

080000441

INSTRUMENT PREPARED BY
VIRGINIA GAS AND OIL BOARD

ORDER RECORDED UNDER CODE
OF VIRGINIA SECTION 45.1-361.26

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANTS:

Harrison-Wyatt, LLC)
Elmer James Jackson, Ettie Mae Hill, Paul)
Jackson, Agnes Hurley, Linda Ruth Gilbert,)
Lois Kate Boyd, Ira Roger Jackson,)
Rhonda Renee Gilbert, Richard Jackson)
McHenry, Sally A. Hartzler, Opal Coleman,)
Burton Eugene Owens, Darlene Owens)
Mullins, Sadie Coleman Peters, Herman)
Coleman, Mae Coleman Shortridge, Delmar)
Osborne)

This document is being
re-recorded to include
signatures that were
omitted from the
document originally
recorded as Instrument
No. 08000264

DOCKET NO.
90-1010-0033-03

RELIEF SOUGHT:

Issuance of an Amended Supplemental)
Order Amending Prior Orders Affecting)
Drilling Unit **BB-8** Located in the Oakwood)
Coalbed Methane Gas Field ,)
Buchanan County, VA (herein "Subject)
Drilling Unit" to Provide:)
(1) Calculation of Funds Unit Operator)
Deposited into the Escrow Account for)
Subject Drilling Unit by Tract Subaccounts;)
(2) to Applicants, a Royalty Accounting; and)
(3) Disbursement to Applicants)
in Accordance with Their Ownership)
Interests Those Funds Deposited by the)
Unit Operator into Subject Drilling Unit's)
Escrow Subaccount for VGOB Tract 2C)

REPORT OF THE BOARD

FINDINGS AND ORDER

1. **Hearing Date and Place:** This matter came on for hearings before the Virginia Gas and Oil Board (herein "Board") on July 19, 2007 at the Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, VA.
2. **Appearances:** Mark Swartz, Esq. of the firm Swartz and Stump L.C. appeared for the Unit Operator.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract subaccounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract subaccounts. The Board finds that:
(1) while it does not have jurisdiction to resolve conflicting claims to the ownership of the Coalbed

Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it does not have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, the Board does have jurisdiction and authority to disburse funds from the Escrow Account provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tract in question or any undivided interest therein.

4.

Prior Proceedings:

- 4.1. On November 8, 1990, the Board executed its order pooling all interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code §§ 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on November 19, 1990 in Deed Book 367 at page 196. The Board designated Oxy, USA, predecessor of CNX Gas Company, L.L.C., as the Unit Operator of the Subject Drilling Unit. The Pooling Order was amended and supplemented by the Board's Supplemental Order Regarding Elections executed on August 23, 1993 that was filed with the Clerk's Office on August 31, 1993 in Deed Book 413 at page 213 ("Supplemental Order"). The Pooling Order was amended and supplemented by the Board's Supplemental Order Amending Prior Orders and authorizing disbursement of escrowed funds attributable to VGOB Tract 2D executed on February 18, 2003 that was filed with the Clerk's Office on February 21, 2003 in Deed Book 563 at page 61 ("Supplemental Order") (hereafter the Pooling Order and the Supplemental Orders are collectively referred to as the Pooling Orders). On March 9, 2006, the Board executed an order for disbursement of escrowed funds to certain owners of VGOB Tract 2C that was filed with the Clerk's office on March 13, 2006 as instrument number 06-0000770.
- 4.2. To the extent claims to the Gas were in conflict, pursuant to Va. Code § 45.1-361-22 payments attributable to said conflicting claims/interests were ordered deposited by the Unit Operator into the escrow account established by the Pooling Order (herein "Escrow Account"). According to the Pooling Orders, the coal fee ownership of Harrison-Wyatt, L.L.C. and the oil and gas fee ownership of Elmer James Jackson, Ettie Mae Hill, Paul Jackson, Agnes Hurley, Linda Ruth Gilbert, Lois Kate Boyd, Ira Roger Jackson, Rhonda Renee Gilbert, Richard Jackson McHenry, Sally A. Hartzler, Opal Coleman, Burton Eugene Owens, Darlene Owens Mullins, Sadie Coleman Peters, Herman Coleman, Mae Coleman Shortridge and Delmar Osborne or their predecessors in title in a 16.03-acre tract known as VGOB Tract 2C in Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3. The Unit Operator's Amended Miscellaneous Petition to the Board, received October 25, 2004, a copy of which is attached to and made a part hereof, and sworn testimony attested that Harrison-Wyatt, LLC and Elmer James Jackson, Ettie Mae Hill, Paul Jackson, Agnes Hurley, Linda Ruth Gilbert, Lois Kate Boyd, Ira Roger Jackson, Rhonda Renee Gilbert, Richard Jackson McHenry, Sally A. Hartzler, Opal Coleman, Burton Eugene Owens, Darlene Owens Mullins, Sadie Coleman Peters, Herman Coleman, Mae Coleman Shortridge and Delmar Osborne have entered into a royalty split agreement and that by terms of that agreement, escrow regarding the conflicting claims of said parties is no longer required.
- 4.4. Petitioner gave notice to Harrison-Wyatt, LLC and Elmer James Jackson, Ettie Mae Hill, Paul Jackson, Agnes Hurley, Linda Ruth Gilbert, Lois Kate Boyd, Ira Roger Jackson, Rhonda Renee Gilbert, Richard Jackson McHenry, Sally A. Hartzler, Opal Coleman, Burton Eugene Owens, Darlene Owens Mullins, Sadie Coleman Peters, Herman Coleman, Mae Coleman Shortridge and Delmar Osborne that the Board would take the petition referred to in Paragraph 4.3 above under consideration at its hearing. Notice stated that the Board would consider whether to: (1) amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract 2C; (2) delete the requirement that the Unit Operator place future royalties attributable to the above-named parties in Tract 2C in the Escrow Account, and (3) continue the escrow account under this docket number because parties other than those seeking disbursement under this order are subject to escrow.

4.5. The Unit Operator filed the attached accountings for Subject Drilling Unit's Escrow Account with the Board ("Accountings").

5. **Findings:**

5.1. Va. Code 45.1-361.22.5 provides:

The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tract in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.

5.2 The Petitioner has certified and represented to the Board that:

- (1) Harrison-Wyatt, LLC is the owner of 100% of the coal estate underlying VGOB Tract 2C of the subject Drilling Unit BB-8.
- (2) Elmer James Jackson is the owner of 1/864 of the oil and gas estate underlying VGOB Tract 2C, Ettie Mae Hill is the owner of 1/864 of the oil and gas estate underlying VGOB Tract 2C, Paul Jackson is the owner of 1/864 of the oil and gas estate underlying VGOB Tract 2C, Agnes Hurley is the owner of 1/864 of the oil and gas estate underlying VGOB Tract 2C, Linda Ruth Gilbert is the owner of 1/864 of the oil and gas estate underlying VGOB Tract 2C, Lois Kate Boyd is the owner of 1/864 of the oil and gas estate underlying VGOB Tract 2C, Ira Roger Jackson is the owner of 1/864 of the oil and gas estate underlying VGOB Tract 2C, Rhonda Renee Gilbert is the owner of 1/864 of the oil and gas estate underlying VGOB Tract 2C, Richard Jackson McHenry is the owner of 1/1728 of the oil and gas estate underlying VGOB Tract 2C, Sally A. Hartzler is the owner of 1/1728 of the oil and gas estate underlying VGOB Tract 2C, Opal Coleman is the owner of 1/96 of the oil and gas estate underlying VGOB Tract 2C, Burton Eugene Owens is the owner of 1/192 of the oil and gas estate underlying VGOB Tract 2C, Darlene Owens Mullins is the owner of 1/192 of the oil and gas estate underlying VGOB Tract 2C, Sadie Coleman Peters is the owner of 1/96 of the oil and gas estate underlying VGOB Tract 2C, Herman Coleman is the owner of 1/96 of the oil and gas estate underlying VGOB Tract 2C, Mae Coleman Shortridge is the owner of 1/96 of the oil and gas estate underlying VGOB Tract 2C, and Delmar Osborne is the owner of 1/60 of the oil and gas estate underlying VGOB Tract 2C of the subject Drilling Unit BB-8.
- (3) Harrison-Wyatt, LLC and Elmer James Jackson, Ettie Mae Hill, Paul Jackson, Agnes Hurley, Linda Ruth Gilbert, Lois Kate Boyd, Ira Roger Jackson, Rhonda Renee Gilbert, Richard Jackson McHenry, Sally A. Hartzler, Opal Coleman, Burton Eugene Owens, Darlene Owens Mullins, Sadie Coleman Peters, Herman Coleman, Mae Coleman Shortridge and Delmar Osborne have entered into royalty split agreements specifying that escrowed funds attributable to their conflicting interests are to be divided with 50% going to the gas owner and 50% going to the coal owner, and also specifying that future royalties be paid directly to the owners according to the split agreement.
- (4) The net interests attributable and to be disbursed to Applicants in Tract 2C are shown in Table 1, below.

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TABLE-1	
Tract #1B Owner Names	% interest in VGOB 90-1010-0033 balance
Harrison -Wyatt, LLC C/O Wyatt Buick Pontiac 2521 Riverside Dr. Danville, VA 24540	2.1209%
Elmer James Jackson P. O. Box 415 Vansant, VA 24656	0.0310%
Ettie Mae Hill P. O. Box 134 Grundy, VA 24614	0.0310%
Paul Jackson P. O. Box 117 Davenport, VA 24239	0.0310%
Agnes Hurley Rt. 1 Box 392 Vansant, VA 24656	0.0310%
Linda Ruth Gilbert Rt. 1 Box 408 Vansant, VA 24656	0.0310%
Lois Kate Boyd P. O. Box 685 Vansant, VA 24656	0.0310%
Ira Roger Jackson P. O. Box 1079 Vansant, VA 24656	0.0310%
Rhonda Renee Gilbert P. O. Box 26 Davenport, VA 24239	0.0310%
Richard Jackson McHenry 8545 Maineville Road Maineville, OH 45039	0.0155%
Sally A. Hartzler 7296 Apple Creek Rd. Sterling, OH 44276	0.0155%
Opal Coleman 18988 I-18 Continental, OH 45831	0.2791%
Burton Eugene Owens P. O. Box 1933 Grundy, VA 24614	0.1395%
Darlene Owens Mullins 138 Rosedale Heights Lane Rosedale, VA 24280	0.1395%
Sadie Coleman Peters 301 Falls St. Defiance, OH 43512	0.2791%

TABLE-1	
Tract # 1B Owner Names	% interest in VGOB 90-1010-0033 balance
Herman Coleman 1417 Fairfax Rd. Bellevue, NE 68005	0.2791%
Mae Coleman Shortridge 53 Twin Circle Lebanon, VA 24266	0.2791%
Delmar Osborne P. O. Box 2625 Grundy, VA 24614	0.4465%

6. **Relief Granted:**

For the reasons set forth in Paragraphs 4 and 5 above, and based upon the Accounting, the Escrow Agent is ordered to, within 10 days of receipt of this executed order: (1) Disburse escrowed funds attributable to VGOB Tract 2C to Applicants according to the percentages shown in Table 1, above, and mail attributable proceeds to the addresses shown in the table.

Exhibits to the Pooling Order, showing owners subject to escrow, are deleted in toto and replaced with the Exhibit E attached to the petition. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of Applicants in Tract 2C be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and IT IS SO ORDERED.

8. **Appeals:**

Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. Effective date: This order shall be effective as of its date of execution.

DONE AND EXECUTED this 31st day of January, 2008, by a majority of the Virginia Gas and Oil Board.

Benny R. Wampler
Chairman, Benny R. Wampler

DONE AND PERFORMED this 31st day of January, 2008, by Order of this Board.

B. R. Wilson
B. R. Wilson
Principal Executive To The Staff
Virginia Gas and Oil Board

STATE OF VIRGINIA)
COUNTY OF WASHINGTON)

Acknowledged on this 31st day of January, 2008, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and B. R. Wilson, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that they executed the same and was authorized to do so.

Diane J. Davis
Diane Davis
Notary Public

174394

My commission expires: 9/30/09

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 90-1010-0033-03

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 2C
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES

HEARING DATE: April 17, 2007

DRILLING UNIT: BB-8

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is CNX Gas Company LLC, 2481 John Nash Blvd., Bluefield, West Virginia 24701, 304/323-6500. Petitioner's counsel is Mark A. Swartz, **SWARTZ & STUMP, L.C.**, P.O. Box 517, Abingdon, VA 24212.

2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 2C as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Harrison-Wyatt, LLC and Elmer James Jackson, Ettie Mae Hill, Paul Jackson, Agnes Hurley, Linda Ruth Gilbert, Lois Kate Boyd, Ira Roger Jackson, Rhonda Renee Gilbert, Richard Jackson McHenry, Sally A. Hartzler, Opal Coleman, Burton Eugene Owens, Darlene Owens Mullins, Sadie Coleman Peters, Herman Coleman, Mae Coleman Shortridge and Delmar Osborne.

3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

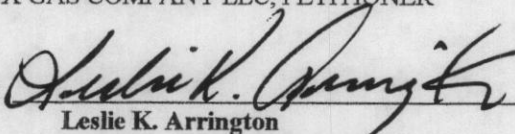
4. **Type of well(s):** Coalbed methane.

5. **Factual basis for relief requested:** Harrison-Wyatt, LLC and Elmer James Jackson, Ettie Mae Hill, Paul Jackson, Agnes Hurley, Linda Ruth Gilbert, Lois Kate Boyd, Ira Roger Jackson, Rhonda Renee Gilbert, Richard Jackson McHenry, Sally A. Hartzler, Opal Coleman, Burton Eugene Owens, Darlene Owens Mullins, Sadie Coleman Peters, Herman Coleman, Mae Coleman Shortridge and Delmar Osborne, have entered into a royalty split agreement. Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto.

6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC
BY IT'S PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER

By:



Leslie K. Arrington
Manager – Environmental Permitting
CNX Gas Company LLC
2481 John Nash Blvd
Bluefield, West Virginia 24701
304/323-6500



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Tract-by-Tract Escrow Calculation
Account Balances as of 5/31/07

Unit BB-8
VGOB 90-1010-0033-03
Acres Escrowed: 58.25

Owners	Tract #	Acres	Total Tract Percent of Escrow	Interest	Owners' Percent of Escrow (50%)	Amount Due Owners \$130,620.71
Harrison-Wyatt, LLC - Coal	2A	3.06	5.2532%		2.6266%	\$3,430.90
William & Virginia Ball - O&G					2.6266%	\$3,430.90
	2B	41.46	71.1760%		35.5880%	\$46,485.28
					35.5880%	\$46,485.28
	2C	(16.03)	23.5708%		11.7854%	\$15,394.18
		13.73			11.7854%	\$15,394.18
a) Elmer James Jackson				1/864	0.0136%	\$17.82
b) Ettie Mae Hill				1/864	0.0136%	\$17.82
c) Paul Jackson				1/864	0.0136%	\$17.82
d) Agnes Hurley				1/864	0.0136%	\$17.82
e) Linda Ruth Gilbert				1/864	0.0136%	\$17.82
f) Lois Kate Boyd				1/864	0.0136%	\$17.82
g) Ira Roger Jackson				1/864	0.0136%	\$17.82
h) Rhonda Renee Gilbert				1/864	0.0136%	\$17.82
i) Richard Jackson McHenry				1/1728	0.0068%	\$8.91
j) Sally A. Hartzler				1/1728	0.0068%	\$8.91
k) Opal Coleman				1/96	0.1228%	\$160.36
l) Burton Eugene Owens				1/192	0.0614%	\$80.18
m) Darlene Owens Mullins				1/192	0.0614%	\$80.18
n) Sadie Coleman Peters				1/96	0.1228%	\$160.36
o) Herman Coleman				1/96	0.1228%	\$160.36
p) Mae Coleman Shortridge				1/96	0.1228%	\$160.36
q) Delmar Osborne				1/60	0.1964%	\$256.57

Information presented here is for reference use only, CNX is not responsible for determinations made using the data represented here.

This information is for estimation purposes only.

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6/18/2007

Exhibit E
Unit BB-8
Docket #VGOB 90-1010-0033-01
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<u>Tract #2B - 41.46 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C., Tr.39 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	41.46 acres	51.8250%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) James Lee Ball, et ux. 17401 Morrison Road Meadowview, VA 24361 Janice S. Ball HC4 Box 530 Council, VA 24260	41.46 acres	51.8250%
<u>Tract #2C - 16.03 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C., Tr.39 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	16.03 acres	20.0375%
<u>OIL & GAS FEE OWNERSHIP</u>		
W. A. Armes Heirs, Devisees, Successors or Assigns	16.03 acres	20.0375%
(1) Florence Arms Coleman Heirs, Devisees, Successors or Assigns		
(a) Edmond M. (Bud) Coleman Heirs, Devisees, Successors or Assigns		
(a.1) Sue Edwards P.O. Box 365 Pembroke, VA 24136	0.134 acres 1/120 of 16.03 acres	0.1670%
(a.2) Judy Fuller 17391 Cleveland Road Abingdon, VA 24211	0.134 acres 1/120 of 16.03 acres	0.1670%
(b) Elmer Coleman Heirs, Devisees, Successors or Assigns		
(b.1) Wanda Coleman Cook Rt.1 Box 393 Castlewood, VA 24224	0.089 acres 1/180 of 16.03 acres	0.1113%
(b.2) Larry E. Coleman Rt.1 Box 232 Cleveland, VA 24225	0.089 acres 1/180 of 16.03 acres	0.1113%

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Exhibit E
Unit BB-8
Docket #VGOB 90-1010-0033-01
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(a.3) Adam F. Coleman Address Unknown	0.089 acres 1/180 of 16.03 acres	0.1113%
(c) Thurman Coleman Heirs, Devisees, Successors or Assigns		
(c.1) Ruth Nuckles Coleman Address Unknown	Life Estate Only	
(c.2) Michael Coleman Rt.1 Box 682 Pounding Mill, VA 24637	0.134 acres 1/120 of 16.03 acres	0.1670%
(c.3) Mildred Coleman Box 269 Pounding Mill, VA 24637	0.134 acres 1/120 of 16.03 acres	0.1670%
(d) Onie Coleman Jackson Heirs, Devisees, Successors or Assigns		
(d.1) Betty Johnson McClanahan Rt.2 Box 116 A-1 The Plains, VA 22171	0.038 acres 1/420 of 16.03 acres	0.0477%
(d.2) Helen Johnson Faulkner 12860 Birch Lane Beaumont, TX 77706	0.038 acres 1/420 of 16.03 acres	0.0477%
(d.3) Blanche Johnson Dale 6202 Parkview Lane Clinton, MD 20735	0.038 acres 1/420 of 16.03 acres	0.0477%
(d.4) Agnes Johnson Bartee 6207 Upton Place Clinton, MD 20735	0.038 acres 1/420 of 16.03 acres	0.0477%
(d.5) Douglas W. Johnson Rt.1 Box 95-R Marshall, VA 22115	0.038 acres 1/420 of 16.03 acres	0.0477%
(d.6) Phyllis Johnson Durland 1911 Millerville Pike Lancaster, PA 17603	0.038 acres 1/420 of 16.03 acres	0.0477%
(d.7) Kathryn Johnson Webb 9634 Glover Hill Road Manassas, VA 22110	0.038 acres 1/420 of 16.03 acres	0.0477%
(e) Lorene Coleman Lester 8443 East Troy Urbana Road Casstown, OH 45312	0.267 acres 1/60 of 16.03 acres	0.3340%
(2) Gertie Arms Coleman Heirs, Devisees, Successors or Assigns		
(a) Ed Coleman Price Heirs, Devisees, Successors or Assigns		

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Exhibit E
Unit BB-8
Docket #VGOB 90-1010-0033-01
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(a.1) Hurley Street Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.668 acres 1/24 of 16.03 acres	0.8349%
(b) Edna Coleman Price Heirs, Devisees, Successors or Assigns		
(b.1) James C. Price Box 1 Birchleaf, VA 24220	0.334 acres 1/48 of 16.03 acres	0.4174%
(c) Edgar Allen Price, Sr. Heirs, Devisees, Successors or Assigns		
(c.1) Edgar Allen Price, Jr. 3609 Pamlico Circle Norfolk, VA 23513	0.167 acres 1/96 of 16.03 acres	0.2087%
(c.2) Katherine Price Sears 4105 Lake Boulevard Oceanside, CA 92049	0.167 acres 1/96 of 16.03 acres	0.2087%
(3) Gusta Arms Coleman Heirs, Devisees, Successors or Assigns		
(h) Alva C. Coleman Heirs, Devisees, Successors or Assigns		
(h.1) Alva Lee Coleman P.O. Box 252 Grundy, VA 24614	0.083 acres 1/192 of 16.03 acres	0.1044%
(h.2) Angel Coleman Mullins 620 Mountain Brook Circle Stone Mountain, GA 30087	0.083 acres 1/192 of 16.03 acres	0.1044%
(4) James (Jim) Arms Heirs, Devisees, Successors or Assigns		
(a) Nelson Arms 1195 Dayton Drive Warminster, PA 18974	0.445 acres 1/36 of 16.03 acres	0.5566%
(b) Virgie Arms Maynard 625 Ellen Road Newport News, VA 23605	0.445 acres 1/36 of 16.03 acres	0.5566%
(c) Mae Catherine Arms Heirs, Devisees, Successors or Assigns		
(c.1) Peter Jacobsen 9612 27th Bay Avenue Norfolk, VA 23518	0.445 acres 1/36 of 16.03 acres	0.5566%
(6) John Arms Heirs, Devisees, Successors or Assigns		

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Exhibit E
Unit BB-8
Docket #VGOB 90-1010-0033-01
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(a) Hulet Arms P.O. Box 100 Melrose, OH 45861	0.445 acres 1/36 of 16.03 acres	0.5566%
(b) John Dorsie Arms 7891 State Route 66 Oakwood, OH 45873	0.445 acres 1/36 of 16.03 acres	0.5566%
(c) Ruby Pauline Arms Jenkins 7849 Keys Road Mount Vernon, OH 43050	0.445 acres 1/36 of 16.03 acres	0.5566%
(7) Alice Arms Jackson Heirs, Devisees, Successors or Assigns		
(a) Alice Mae Elliott 3449 Johnstown Road Centerburg, OH 43011	0.668 acres 1/24 of 16.03 acres	0.8349%
(b) John Jackson, II 2846 Vanetta Road Centerburg, OH 43011	0.668 acres 1/24 of 16.03 acres	0.8349%
(8) Vince Arms Heirs, Devisees, Successors or Assigns		
(c) Juanita I. Arms Deel Heirs, Devisees, Successors or Assigns		
(c.1) John Deel Address Unknown		(Life Estate Only)
(c.2) Martha Irene Deel 375 Huntington Circle Alpharetta, GA 30201	0.134 acres 1/120 of 16.03 acres	0.1670%
(c.3) William V. Deel Box 14 Maxie, VA 24628	0.134 acres 1/120 of 16.03 acres	0.1670%
(e) William (Billy) P. Arms Heirs, Devisees, Successors or Assigns		
(e.1) Wanda Arms, widow P.O. Box 294 Rosedale, VA 24280	0.267 acres 1/60 of 16.03 acres	0.3340%
(9) Slomp Arms Heirs, Devisees, Successors or Assigns		
(a) Pauline Arms Jessee Rt.H Box 454 Coeburn, VA 24230	0.445 acres 1/36 of 16.03 acres	0.5566%
(b) Donald Arms Rt.H Box 454 Coeburn, VA 24230	0.445 acres 1/36 of 16.03 acres	0.5566%

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Exhibit E
Unit BB-8
Docket #VGOB 90-1010-0033-01
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(c) Jean Arms Mullins Rt.H Box 454 Coeburn, VA 24230	0.445 acres 1/36 of 16.03 acres	0.5566%
(10) Dock Arms Heirs, Devisees, Successors or Assigns		
(a) Dessie Arms 13200 Mallicote Drive Abingdon, VA 24210	1.336 acres 1/12 of 16.03 acres	1.6698%
(11) Howell Arms Heirs, Devisees, Successors or Assigns		
(a) Mary June Shortridge Arms Rt.1 Box 117 Vansant, VA 24656	1.336 acres 1/12 of 16.03 acres	1.6698%
(12) Virgie Arms Osborne Heirs, Devisees, Successors or Assigns		
(a) James Osborne 26413 Mansfield Road Devince, OH 43512	0.267 acres 1/60 of 16.03 acres	0.3340%
(b) Ron Osborne 43983 Upper Clear Cadiz, OH 43907	0.267 acres 1/60 of 16.03 acres	0.3340%
(c) Bill Osborne 1280 3 Springs Russellville, TN 37860	0.267 acres 1/60 of 16.03 acres	0.3340%
(e) Geraldine O'Quinn Rt.1 Box 112 Vansant, VA 24656	0.267 acres 1/60 of 16.03 acres	0.3340%

Exhibit EE
Unit BB-8
Docket #VGOB 90-1010-0033-01
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #2A - 3.06 acres</u>			
<u>COAL FEE OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C., Tr.39 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	3.06 acres	3.8250%	2.6266%
<u>OIL & GAS FEE OWNERSHIP</u>			
(1) William A. & Virginia Ball HC4 Box 880 Council, VA 24260	3.06 acres	3.8250%	2.6266%
<u>Tract #2C - 16.03 acres</u>			
<u>COAL FEE OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C., Tr.39 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	16.03 acres	20.0375%	
<u>OIL & GAS FEE OWNERSHIP</u>			
W. A. Armes Heirs, Devisees, Successors or Assigns	16.03 acres	20.0375%	
(3) Gusta Arms Coleman Heirs, Devisees, Successors or Assigns			
(a) Gladys Coleman Blankenship Heirs, Devisees, Successors or Assigns			
(a.1) Elmer James Jackson P.O. Box 145 Vansant, VA 24656	0.019 acres 1/864 of 16.03 acres	0.0232%	0.0136%
(a.2) Ettie Mae Hill P.O. Box 134 Grundy, VA 24614	0.019 acres 1/864 of 16.03 acres	0.0232%	0.0136%
(a.3) Paul Jackson P.O. Box 117 Davenport, VA 24239	0.019 acres 1/864 of 16.03 acres	0.0232%	0.0136%
(a.4) Agnes Hurley Rt.1 Box 392 Vansant, VA 24656	0.019 acres 1/864 of 16.03 acres	0.0232%	0.0136%
(a.5) Linda Ruth Gilbert Rt.1 Box 409 Vansant, VA 24656	0.019 acres 1/864 of 16.03 acres	0.0232%	0.0136%

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Unit BB-8
Docket #VGOB 90-1010-0033-01
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	Acres in Unit	Percent of Unit	Percent of Escrow
(a.6) Lois Kate Boyd P.O. Box 409 Vansant, VA 24656	0.019 acres 1/864 of 16.03 acres	0.0232%	0.0136%
(a.7) Ira Roger Jackson P.O. Box 1097 Vansant, VA 24656	0.019 acres 1/864 of 16.03 acres	0.0232%	0.0136%
(a.8) Rhonda Renee Gilbert P.O. Box 26 Davenport, VA 24239	0.019 acres 1/864 of 16.03 acres	0.0232%	0.0136%
(a.9) Marshall Odell Jackson Heirs, Devisees, Successors or Assigns			
(a.9.1) Richard Jackson McHenry 8545 Maineville Road Orrville, OH 44667	0.009 acres 1/1728 of 16.03 acres	0.0116%	0.0068%
(a.9.2) Sally A. Hartzler 7296 Apple Creek Road Sterling, OH 44276	0.009 acres 1/1728 of 16.03 acres	0.0116%	0.0068%
(b) Howard Coleman Heirs, Devisees, Successors or Assigns			
(b.1) Opal Coleman 18988 I-18 Continental, OH 45831	0.167 acres 1/96 of 16.03 acres	0.2087%	0.1228%
(c) Beatrice Coleman Owens Heirs, Devisees, Successors or Assigns			
(c.1) Burton Eugene Owens P.O. Box 1933 Grundy, VA 24614	0.083 acres 1/192 of 16.03 acres	0.1044%	0.0614%
(c.2) Darlene Owens Mullins P.O. Box 228 Rosedale, VA 24280	0.083 acres 1/192 of 16.03 acres	0.1044%	0.0614%
(d) Sadie Coleman Peters 301 Falls Street Defiance, OH 43512	0.167 acres 1/96 of 16.03 acres	0.2087%	0.1228%
(e) Herman Coleman 1417 Fairfax Road Bellevue, NE 68005	0.167 acres 1/96 of 16.03 acres	0.2087%	0.1228%
(f) Mae Coleman Shortridge 279 Ridgewood Drive Lebanon, VA 24266	0.167 acres 1/96 of 16.03 acres	0.2087%	0.1228%
(g) Lucy Coleman Looney 883 Woodbriar Drive Lebanon, VA 24266	0.167 acres 1/96 of 16.03 acres	0.2087%	Already Disbursed

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Unit BB-8
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		Acres in Unit	Percent of Unit	Percent of Escrow
(5)	Lula Arms Street Heirs, Devisees, Successors or Assigns			
(a)	Charlie E. Street 19171 Stone Mountain Road Abingdon, VA 24210	1.336 acres 1/12 of 16.03 acres	1.6698%	Already Disbursed
(8)	Vince Arms Heirs, Devisees, Successors or Assigns			
(a)	Tivis A. Arms 1209 West Madison Street Mayodan, NC 27027	0.267 acres 1/60 of 16.03 acres	0.3340%	Already Disbursed
(b)	Kelsie Arms Eastridge Rt.1 Box 768 Boomer, NC 28606	0.267 acres 1/60 of 16.03 acres	0.3340%	Already Disbursed
(d)	Josh Vince Arms Rt.3 Box 316 Grundy, VA 24614	0.267 acres 1/60 of 16.03 acres	0.3340%	Already Disbursed
(12)	Virgie Arms Osborne Heirs, Devisees, Successors or Assigns			
(d)	Delmar Osborne P.O. Box 2625 Grundy, VA 24614	0.267 acres 1/60 of 16.03 acres	0.3340%	0.1964%

VIRGINIA: In the Clerk's Office of the Circuit Court of Buchanan County. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgement annexed, admitted to record this 23rd day of January, 2008. Instrument No. 080000264 @ 1:41 PM

Returned to: D M M E TESTE: Beverly S. Tiller, Clerk
Beverly S. Tiller Deputy Clerk